

Office Action Summary	Application No. 09/047,270	Applicant(s) Zwolinski
	Examiner Coulter Henry	Group Art Unit 2722



Responsive to communication(s) filed on Mar 24, 1998

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- Claim(s) 1-17 is/are pending in the application.
 Of the above, claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1-17 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claims _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been
 received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2722

DETAILED ACTION

Information Disclosure Statement

1. The reference listed in the Information Disclosure Statement dated 24 March 1998 has been considered by the examiner (see attached PTO-1449).

Priority

2. Domestic Priority was granted under 35 USC 119(e) based on the filing date of Provisional Application No. 60/041,434 dated 3/25/97.

Claim Objections

3. **Claims 1, 3, 4 and 8** objected to because of the following informalities:

- **Claims 1 and 4** (Page 14, Line 3; Page 15, line 8) recite a “relatively small” housing. How big is relatively? The word “relatively” needs to be removed or further defined in the Specification.

- **Claim 3** (Page 15, line 6) recites “display at last one translation”. Should this be “display at least one translation”?

- **Claim 8** (Page 16, line 4) recites “a **test**-to-speech module”. Should this be “a **text**-to-speech module”? The rest of the claims and specification should be reviewed for errors such as these. Appropriate correction is required.

Art Unit: 2722

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada et al. (5,063,508).

6. Claims 1, 3, 4 and 7 contain the following limitations:

a) a relatively small housing adapted in size to be held in one hand by a user during use;

(Col. 2, line 9)

b) a scanning input carried by said housing; **(Col. 2, lines 11-12)**

c) a display carried by said housing; **(Col. 2, lines 21-23)**

d) a controller disposed within said housing and operatively coupled to said scanning input, and said display; and **(Col. 3, lines 60-64)**

e) a program composed of instructions which are executable by said controller for receiving as an input text scanned by said scanning input and for providing as an output on said display text which is logically related to said input text in a predetermined manner. **(Col. 2, lines 19-21)**

Art Unit: 2722

f) dictionary function wherein program (e) receives as an input text scanned by said scanning input and produces as an output on said display at least one translation related to said

input. (**Col. 2, lines 26-36**)

g) relatively small housing comprises a relatively small and generally elongated housing which is adapted in size and shape to be held in one hand by a user during use. (**Figure 1**)

h) at least one control button carried by said housing and operable for providing at least one control command to said computer. (**Col. 3, 64-66**)

As described in the claim language all limitations of this application are shown in the cited references.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (5,063,508).

9. **Claim 2** shows the following limitation:

- dictionary function wherein program (e, para. # 6) receives as an input text scanned by said scanning input and produces as an output on said display at least one dictionary definition

Art Unit: 2722

related to said input. *This reference does not explicitly show that once a text word is scanned, a matching sequence will match that scanned word with a dictionary definition (meaning) from a databank of words. It does however show at Col. 2, lines 26-36 the scanned word is matched with a word from a foreign language. In the art as related to this invention it is very well known to use a matching process to match a definition with an input word. Whether through scanning or being input through a keyboard. Therefore it is considered obvious and known in the art to have a second operating mode that will allow a matching to a definition (meaning) in a unit that does a foreign language translation. This can easily be accomplished with a switch that will address a different address location depending on the operating mode.*

In one instance a scanned word will address a translation address location and in the alternate it will access the definition address location. As shown in the reference above the word "dictionary" is used interchangeably with "translator".

10. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada as applied to claim 1 above, and further in view of Tanimoto et al. (4,658,374) and Kumar (5,648,760).

11. **Claims 5 and 6** of this application show the following limitations:

- a) The dictionary apparatus of claim 1 having an external keyboard providing textual input to said controller. (**Tanimoto; Col. 2, lines 49-53**)
- b) The dictionary apparatus of claim 1 wherein said program includes program instructions which are executable by said controller for alternatively receiving as an input text

Art Unit: 2722

which is entered on a keyboard and which provides as an output on said display text which is logically related to said input text in a predetermined manner. (**Tanimoto; Col. 2, lines 57-62**)

Although it is not explicitly shown by these references it is considered common and well known in the art to have a keyboard attachment to enter textual information for processing in the art. The Tanimoto reference shows a translator that processes entered textual information and displays the results on a display. Kumar shows a multipurpose apparatus that has a separate keyboard attachment to enter textual information and a scanning unit to enter scanned information. These limitations are not considered as patentable. These references are combined because they both utilize a matching system to translate input data whether scanned or textual. With the technology of today it would be considered easy obvious to combine the features of these two references into one unit.

12. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada as applied to claim 1 above, Tanimoto as applied to claim 5 above and further in view of Maruta et al. (5,523,943) and Kumar (5,648,760).

13. **Claims 8-10** show the following limitations:

The dictionary apparatus of claim 1 comprising:

- a) an audio output device carried by said housing and operatively coupled to said controller; and (**Maruta, Col. 5, lines 20-25 & lines 37-41**)
- b) a text to speech module coupled between audio output device and controller;(**Maruta, Col. 4, lines 32-34**)

Art Unit: 2722

c) said program includes program instructions for receiving as input text scanned by said scanning input device for producing audible output which is related to input text. (**Maruta**,

Col. 4, lines 32-34) *This reference does not explicitly show that the scanned is converted to an audible output but this feature is considered common and well known in the art. Kumar shows a multipurpose apparatus that has a separate keyboard attachment to enter textual information and a scanning unit to enter scanned information.*

d) audible definition or translation is output (**Maruta, Col. 4, lines 32-34**)

e) external keyboard as in claim 5 (**Tanimoto; Col. 2, lines 49-53 & lines 57-62**)

14. Claims 12-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada as applied to claim 1 above, and further in view of Kumar (5,648,760).

15. **Claims 12-15 and 17** show the following limitations:

The dictionary apparatus according to claim 1 comprising:

a) a microphone input operatively coupled to the controller (**Kumar; Col. 4, lines 64-67**)

b) a speech to text module for receiving a voice input from microphone input and for corresponding to text input. (**Kumar; Col. 6, lines 48-55**)

c) the system has ability to receive speech information to output as speech and displayed as text on display unit. (**Kumar; Col. 4, lines 48-55**)

d) at least one translation and definition is output See Claim

e) an input for coupling keyboard to apparatus to produce text to speech output.

Art Unit: 2722

f) touch screen input. *A touch screen input is common and well known in the art for inputting information and interacting with an apparatus.*

Kumar shows a multipurpose apparatus that has a separate keyboard attachment to enter textual information and a scanning unit to enter scanned information. Kumar's invention has numerous ways of inputting and outputting information. Kumar does not show the dictionary function as shown in the limitations of this application but with today's quest for convenience it is well known to integrate features from different apparatuses to have an all in one unit.

16. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada as applied to claim 1 above, and further in view of Charlton (5,929,774).

17. **Claim 16** of this application shows: the following limitation:

-Apparatus of Claim 1 with a paging function. *The Charlton reference is used to further show the use of integrating different systems for convenience is common and well known. Charlton does not show the functions of a dictionary/translator but it would be common to add this feature to the system.*

18. The following references were not used as a part of this rejection but they are seen to contain pertinent information as related to this invention.

Documents:

a) The *Quicktionary* handheld OCR Pen/Dictionary made by World Language Resources (shown as a printout from the webpage at www.worldlanguage.com)

Art Unit: 2722

b) The Electronic Dictionary w/speech by World Language Resources (shown as a printout from the company webpage at www.worldlanguage.com)

Patents:

Wakisaka et al. 5,917,944

Sukeda et al. 5,854,997

Olschafskie et al. 5,301,243

Chong 5,175,684

Gray et al. 4,782,464

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Coulter Henry whose telephone number is (703) 306-5433.

ch

September 3, 1999


EDWARD L. COLES
SUPERVISORY PATENT EXAMINER
GROUP 2706